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May 31, 2018

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Elefante Group Written *Ex Parte* Presentation; GN Docket Nos. 17-183, 14-177, IB Docket No. 17-95, and WT Docket No. 10-112**

Dear Ms. Dortch:

Today, Elefante Group, Inc. (“Elefante Group”) filed a Petition for Rulemaking (“Petition”) seeking access to the 21.5-23.6, 25.25-27.5, 71-76 and 81-86 GHz bands for the establishment of a new Fixed Service, namely the Stratospheric-Based Communications Services (“SBCS”). A copy of the Petition is being submitted for inclusion in the above-referenced dockets, which each address one or more of the subject bands.

As explained in the Petition, the 26 GHz band is essential for the introduction of SBCS which will help the United States win the race to 5G. In the public draft of a Third Further Notice of Proposed Rulemaking (“FNPRM”) in the *Spectrum Frontiers* proceeding released on May 17, 2018, the Commission proposes to consider “whether the 26 GHz band would be suitable for flexible fixed and mobile use.”¹ In light of the Petition, Elefante Group requests that the Commission remove 26 GHz from the *Spectrum Frontiers Third FNPRM*, deferring consideration of that band in the *Spectrum Frontiers* docket. At the same time, Elefante Group

¹ See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177, *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, WT Docket No. 10-112, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, FCC-CIRC1806-01, ¶ 76 (May 17, 2018) (“*Spectrum Frontiers Third FNPRM*”).

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urges the Commission to place Elefante Group's Petition on public notice expeditiously to develop a record on SBCS in order to guide any Commission decision that would affect the 26 GHz band.²

In the alternative, the Commission should: (1) expand the *Spectrum Frontiers Third FNPRM* to specifically seek comment on Elefante Group's proposal to use the 26 GHz Band (and 21.5-23.6 GHz) for Fixed SBCS (along with the 70/80 GHz bands); (2) seek comment on whether dynamic coordination and information sharing mechanisms could permit technically and economically feasible sharing between SBCS and flexible fixed and/or flexible mobile operations; (3) inquire regarding the comparative advantages and disadvantages of non-exclusively licensed SBCS service versus only allowing individual Upper Microwave Flexible Use Service ("UMFUS") licensees to deploy stratospheric applications in 26 GHz; and (4) promptly put Elefante Group's Petition out for public comment and/or consolidate it with the *Spectrum Frontiers* rulemaking.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

² Elefante Group Notice of Oral *Ex Parte* Presentation; GN Docket Nos. 17-183, 14-177, IB Docket No. 17-95, WT Docket No. 10-112 and File No. SAT-LOA-20161115-00117 (filed May 29, 2018).

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Respectfully submitted,



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